

REMARKS/ARGUMENTS

Claims 1-11 are currently pending in this application.

As an initial matter, Applicant notes that the Information Disclosure Statement (IDS) dated November 19, 2001, and accompanying FORM PTO/SB/08A/B, have not been acknowledged by the Examiner. Applicant respectfully requests that an initialed copy of said FORM PTO/SB/08A/B be entered in the application file and returned to Applicant with the next communication from the Office in accordance with MPEP § 609.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leifer (U.S. Patent No. 6,782,974) in view of Balogi et al. (U.S. Publication No. 2002/0022453). Applicant respectfully traverses this rejection.

First, Applicant submits that neither Leifer nor Balogi are prior art to the present application. As indicated in Applicant's Response dated October 11, 2006, Leifer has an earliest filing date of May 8, 2000, and Balogi has an earliest filing date of March 31, 2000. However, the present application claims priority to French Patent Application 9,906,348 filed on May 19, 1999. Accordingly, the present application predates the filing dates of both the Leifer and Balogi references. Applicant therefore requests that the Leifer and Balogi references be withdrawn as prior art.

Second, Applicant submits that the combination of Leifer and Balogi fail to teach or suggest all of the limitations of claims 1-11. Claim 1 recites:

"A mobile telephony process comprising:

- a) providing at least one application configured to process a position of a user carrying a handheld unit (Ui) for modulating at least some characteristics of said application;
- b) providing at least one access terminal (Bai) belonging to a selected communications infrastructure for enabling the at least one user handheld unit (Ui) to access said application over a selected geographical coverage (Z2); and
- c) providing at least one mobile station (SMi) distributed in the coverage zone (Z2) of the access terminal (Bai);
- d) equipping the mobile station (SMi) with means of communication configured to establish a short-range radio frequency communication inside a

Appln No. 09/831,726

Amdt date December 21, 2007

Reply to Office action of June 21, 2007

selected perimeter (P1, P2) between the user handheld unit (Ui) and the mobile station (SM); and

e) equipping at least one user handheld unit (Ui) with means of short-range radio frequency communication interconnecting with those of the mobile station (SMi) for establishing said short-range radio frequency communication inside the selected perimeter (P1, P2) between the handheld unit (Ui) and the mobile station (SMi),

wherein said user handheld unit (Ui) is configured to communicate with the mobile station (SMi) and with the access terminal (Bai) for accessing said application adapted according to the position of the user." (Emphasis added).

The Examiner relies on column 7, lines 25-35 of Leifer to contend that Leifer discloses "providing at least one application configured to process a position of a user carrying a handheld unit (Ui) for modulating at least some characteristics of said application." Applicant respectfully disagrees.

Leifer is directed to a server call system that allows a customer to be in direct contact with the server personnel at, for example, a restaurant, at all times. (See, Abstract). The portion of Leifer cited by the Examiner teaches that the service personnel may carry a PDA type device for transmitting orders of menu items ordered by the customers. However, this portion of Leifer fails to teach or suggest the claimed "application configured to process a position of a user carrying a handheld unit (Ui) for modulating at least some characteristics of said application."

It appears due to the Examiner's reliance of this particular portion of Leifer that the Examiner is equating Leifer's service personnel carrying the PDAs to the claimed "user." In this regard, column 5, line 64 - column 6, line 31 of Leifer discusses that the "central station 12 can include a people finding feature, or more particularly a service personnel locating system that enables the central station 12 to route an incoming item request from keypad 4 to the pager 20 of the nearest service personnel available to fulfill such request." The context in which the people finding feature is used is as follows. A customer sends a request through a server pager 20(a). However, the central station routes the customer request to another server pager 20(b) upon determining that pager 20(b) is closer to the service area for fulfilling the customer's request. The central station thus uses the contents of the customer's request to determine which pager

Appln No. 09/831,726
Amdt date December 21, 2007
Reply to Office action of June 21, 2007

(here, pager 20(b)) is close to the service area for fulfilling the request. However, there is no "processing of a position of" the service personnel in Leifer as the position of the pagers and service area must be known a priori by the central station in order to forward a customer request to the closest service pager. Accordingly, claim 1 is in condition for allowance for this reason alone.

Claim 1 further recites that "said user handheld unit (Ui) is configured to communicate with the mobile station (SMi) and with the access terminal (Bai) for accessing said application adapted according to the position of the user." The Examiner acknowledges that Leifer fails to disclose this limitation. However, he relies on Balog to make up for this deficiency.

Balog discloses a quite conventional use of Bluetooth for exchanges between various mobile stations. However, Balog fails to teach or suggest that any of these exchanges is "for accessing said application adapted according to the position of the user." Accordingly, claim 1 is also in condition for allowance for this additional reason.

Claim 8 includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 8 is also in condition for allowance.

Claims 2-7 and 9-11 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above remarks, reconsideration and an early indication of allowance of the now-pending claims 1-11 are respectfully requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By _____

Josephine E. Chang
Reg. No. 461083
626/795-9900